

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 270 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JOSHI RAJENDRAKUMAR MUKUNDRAI

Versus

MUNI. CORPORATION OF CITY OF RAJKOT

Appearance:

MR CHETAN PANDYA for Petitioner

MR SR BRAHMBHATT for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/03/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

2. The petitioner, an employee of the respondent-Corporation, filed this Special Civil Application and prayer has been made for direction to the respondent-Corporation to revoke the order dated 6.3.79 under which the petitioner was ordered to be placed under

suspension. Further prayer has been made for direction to the respondent to pay full salary to the petitioner from 6.3.79.

3. On 13th April 1988, this petition was admitted and by way of interim relief, it has been directed that the petitioner shall be reinstated in services immediately. So far as the claim of salary for suspension period is concerned, this Court has ordered that it cannot be granted by way of interim relief.

4. The learned counsel for the petitioner does not dispute that in pursuance of the order of this Court, the petitioner has already been reinstated back in service. So the only dispute which now survive is of full salary for the period during which the petitioner remained under suspension. The petitioner appears to have been placed under suspension as some criminal cases were pending against him, but the petitioner's counsel stated that in those criminal cases, the petitioner has been acquitted. In view of this fact, this Special Civil Application is disposed of in terms that the petitioner may submit his claim for full salary for the period during which he was placed under suspension to the respondent-Corporation within a period of fifteen days from the date of receipt of copy of this order. In case such claim is made by petitioner, the respondent-Corporation shall decide the same in accordance with law, within a period of three months from the date of receipt of such claim, and in case the petitioner is found entitled for such claim, i.e. for full salary during the suspension period, payment shall be made to him of the arrears within a period of one month next. In case the claim of the petitioner is not acceptable, a reasoned order may be passed and a copy of the same be sent to the petitioner by registered post A.D. In case of difficulty, liberty is granted to the petitioner for revival of this Special Civil Application.

5. The Special Civil Application and Rule stand disposed of accordingly with no order as to costs.

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(sunil)